EQUALITY COLORADO

FACT SHEET SERIES

• Hate Crimes •

against lesbians, gays, and bisexuals

WHAT IS A HATE CRIME?

A crime is classified as bias-motivated or a hate crime when it is clear that "the offender's actions were motivated, in whole or in part, by bias." Among the types of bias generally included in hate crimes statistics are racial bias, religious bias, ethnicity bias, gender bias and sexual orientation bias. Some laws include persons with disabilities, political affiliation, and age.

The mere fact that the offender is biased against the victim's race, religion, ethnic/national origin, and/or sexual orientation does not mean that a hate crime was involved. Rather, the offender's criminal act must have been motivated, in whole or in part, by his/her bias. The purpose of hate crime statutes is to send a message that hate-motivated violence, because they are often attempts to silence and instill fear into entire groups, will not be tolerated.

IN COLORADO

• In 1988, the Colorado General Assembly adopted legislation creating the criminal offense of ethnic intimidation. This law imposes increased penalties on assaults and vandalism motivated by the victim's race, color, religion, ancestry or national origin.

• In 1991, Representative Wilma Webb attempted to add sexual orientation to the list of groups protected by this law. It was defeated.

• Equality Lobby, created by Colorado Human Rights Action Council and Equality Colorado, introduced a bill in 1995 which would have amended the Ethnic Intimidation Law. It would have added age, disability and sexual orientation to the list of categories covered by this law, along with changing the name of the offense to "hate crimes."

• In January of 1996, Sen. Dorothy Rupert reintroduced the bill into the Colorado Legislature.

• Among the groups who have supported strengthening our Ethnic Intimidation Act are the Hispanic Women's Caucus, American Friends Service Committee, LARASA, Colorado AIDS Project, the Gray Panthers, the Elder Abuse Prevention Program, Atlantis Community, Inc., the Anti-Defamation League, the Governor's AIDS Council, Colorado Women Psychologists, and the Northwest Coalition Against Malicious Harassment.

FACTS & QUOTES

FACT From 1990 to 1993, the reported incidence in hate crimes against gays, lesbians, and bisexuals in Colorado rose every year. After the passage of Amendment 2, there was a 275% increase in reports of hate crimes.

FACT In 1990, the federal government enacted the Hate Crime Statistics Act, which requires the FBI to gather statistics on crimes motivated by bias against the victim, including those based on sexual orientation.

FACT 22 states and the District of Columbia and several cities and counties have enacted hate crime legislation that includes sexual orientation.

FACT A national survey of 151 gay and lesbian related homicides from 1992 to 1994 showed that over half of these involved extraordinary and horrific violence, including dismemberments, multiple stabbings and gross beatings.

FACT Hate crimes, especially those against gays, lesbians, bisexuals, and transgendered people, are traditionally underreported. Reasons for this include fear of exposure or worries about homophobia within the police department.

QUOTE "The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims." (Review of the US Dept. of Justice, 1987)

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MORE INFO

To learn more about hate crimes, contact any of these organizations:
Equality Colorado • PO Box 300476 • Denver, CO 80203 • (303) 839-5540 • email: EqualityCo@aol.com • (303) 839-1361 (fax)
Anti-Defamation League • 300 S. Dahlia St., Suite 202 • Denver, CO 80222 • (303) 321-7177 **Northwest Coalition Against Malicious Harassment** • P.O Box 16776 • Seattle, WA 98116 • (206) 233-9136 **New York City Gay and Lesbian Anti-Violence Project** • 647 Hudson • New York City, NY 10014 • (212) 807-6761 • (212) 807-1044 **Hotlines for Anti-Violence Projects in Colorado:** In Denver (303) 831-6268 • In Colorado Springs (719) 338-8899

PO Box 300476 Denver, CO 80203 • (303) 839-5540 • (303) 839-1361 fax

Hate Crimes, cont.

PO Box 300476
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talking points

☞ SEND A MESSAGE

Hate crime laws send a clear, unequivocal message to victims, perpetrators, and law enforcement officials that crimes motivated by bigotry and hatred will not be tolerated.

☞ ANTI-GAY VIOLENCE EXISTS

Anti-gay violence is alarmingly widespread, and is often more vicious than other bias-motivated crime. A failure to address this critical problem sends a dangerous message to law enforcement and the public that anti-gay violence does not exist, or worse, is somehow less reprehensible than violence against other minorities.

☞ HATE CRIMES ARE TRAUMATIC

Hate crimes have a greater impact on victims than other types of crimes. According to preliminary research by the National Institute Against Prejudice and Violence, victims of bias crimes suffer two to three times more symptoms of trauma than victims of comparable crimes that do not involve prejudice.

☞ SPEECH NOT PUNISHED, CRIMES ARE

When carefully drafted, hate crimes laws do not abridge freedom of speech as guaranteed in the 1st Amendment. In most cases, hate crime laws do not punish speech but activity that is already defined as criminal. Hate speech that is not accompanied by criminal activity is not punishable. Speech is relevant only in that it is used to assess motivation in the commission of any crime. Likewise, speech is useful in determining whether or not a killing was premeditated, thus differentiating between first degree murder and second degree murder or manslaughter.

☞ HATE CRIME LAWS DO NOT DISCRIMINATE

Hate crime laws do not provide special privileges to special groups. Rather, such measures afford an extra measure of protection to groups that are singled out for victimization because of their status, identity, or beliefs. Moreover, such laws apply equally to members of minority and majority groups.

MAKING THE CONNECTIONS: RACE, ETHNICITY, GENDER, AGE AND DISABILITY

Anti-gay hate crimes stem from the same kind of atmosphere of fear and intolerance that give rise to other hate violence. The most notorious violent racist and anti-Jewish organizations in the country also share a hatred for gays, lesbians, bisexuals, and transgendered people which is often expressed through violent means.

The US Department of Justice has long included sexual orientation as a category for tracking hate crimes, even as many states don't include it in their own data collecting or penalty enhancement laws.

Hate crimes against older and disabled people emerge from similar roots as other hate crimes. In this society, older persons and those with disabilities are not considered equal, deserving, contributing members. This creates an atmosphere which says that it is okay to attack them because they aren't worth anything anyway. A study in Australia showed that people with developmental disabilities are more apt to be victims of every crime except car theft. Much of this has to do with the contempt society holds for disabled people. A convicted criminal's assessment of the situation was that "This person's life was so miserable, I couldn't make it any worse anyway."

The contention that vulnerability is the primary explanation for disability and age related violence is too superficial. Rather, hatred is often the primary cause, and vulnerability only provides an opportunity for offenders to express their hatred.

No one should have to fear for their lives, whether they are black, white, Catholic, Jewish, gay, disabled, older, or anything else. Hate crime laws send this message: We will not tolerate Hate!

STORIES OF HATE

- A developmentally disabled young man was killed by teenagers. He had been beaten and robbed, and his talk about being gay fueled his tormentors' anger, who called him "fag" and threatened his life on several occasions.
- A 17 year old gay man was approached by a group of men who asked him if he was gay. When the victim answered affirmatively, the perpetrators assaulted him.
- A heterosexual woman reported ongoing harassment by telephone due to a pro-gay/lesbian resolution which she authored.
- In North Carolina, neo-nazis forced five men in an adult bookstore to lie face down on the floor and then shot them in the back of the head because they were perceived to be gay.

STRATEGIES TO COMBAT HATE CRIMES

There are many ways to work against hate crimes:

- **REPORT** immediately any hate crimes you witness or experience, either to the police or to an anti-violence project or both
- **ENCOURAGE AND SUPPORT** legislation to combat hate crimes
- **WORK** against the twin evils of violence and hate in our society.

MUCH OF THE INFORMATION in this fact sheet was provided by the National Gay and Lesbian Task Force Policy Institute, Denver's Anti-Violence Project, *NewMobility* magazine, and the Federal Bureau of Investigations.

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Financial assistance for the Fact Sheet Series was provided by the Gill Foundation

FACT SHEET SERIES

EQUALITY LOBBY

• The Hate Crimes Bill •

expanding Colorado's Ethnic Intimidation Law

Equality Lobby is introducing, with the sponsorship of Senator Dorothy Rupert, a bill in the Colorado Legislature which would expand Colorado's Ethnic Indimidation Law as follows:

- to include sexual orientation, disability, and age;
- changing the name of the offense to "hate crime."

WHAT IS A HATE CRIME?

A crime is classified as bias-motivated or a hate crime when it is clear that the offender's actions were motivated, in whole or in part, by bias. Among the types of bias generally included in hate crimes statistics are racial bias, religious bias, ethnicity bias, gender bias and sexuál orientation bias. Some laws include persons with disabilities, political affiliation, and age.

The mere fact that the offender is biased against the victim's race, religion, ethnic/national origin, and/or sexual orientation does not mean that a hate crime was involved. Rather, the criminal act must have been motivated, in whole or in part, by his/her bias.

LEGISLATIVE HISTORY

- In 1988, the Colorado General Assembly adopted legislation creating the criminal offense of ethnic intimidation. This law imposes increased penalties on assaults and vandalism motivated by the victim's race, color, religion, ancestry or national origin.

- In 1991, Representative Wilma Webb attempted to add sexual orientation to the list of groups protected by this law. It was defeated.

- Equality Lobby, created by Colorado Human Rights Action Council and Equality Colorado, introduced a bill in 1995 which would have amended the Ethnic Intimidation Law. It would have added age, disability and sexual orientation to the list of categories covered by this law, along with changing the name of the offense to "hate crime."

FACTS & QUOTES

▷▷▷ FACT — In 1993, the US Supreme Court upheld a hate crime statute from Wisconsin, with the same kind of "penalty-enhancement" used in Colorado's law.

▷▷▷ FACT — A national survey of 151 gay and lesbian related homicides from 1992 to 1994 showed that over half of these involved extraordinary and horrific violence, including dismemberments, multiple stabbings and gross beatings. Such violence is indicative of the kind of hatred fueling the crimes.

▷▷▷ FACT — Hate crimes, especially those against gays, lesbians, bisexuals, and transgender people, are traditionally underreported. Hate crimes against older and disabled people are often miscategorized, despite evidence of bias.

▷▷▷ FACT — A study in Australia showed that people with developmental disabilities are more apt to be victims of every crime except car theft. Much of this has to do with social pressure and the contempt society holds for disabled people.

❝❞ QUOTE — "This person's life was so miserable, I couldn't make it any worse anyway." -- A convicted criminal's explanation for his hate crime against a disabled person.

▷▷▷ FACT — From 1990 to 1993, the reported incidence in hate crimes against gays, lesbians, and bisexuals in Colorado rose every year. After the passage of Amendment 2, there was a 275% increase in reports of hate crimes.

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talking points

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☞ HATE VIOLENCE EXISTS

Anti-gay and other types of hate-motivated violence is alarmingly widespread. A failure to address this critical problem sends a dangerous message to law enforcement and the public that hate violence against gays, older and disabled people does not exist, or worse, is somehow less reprehensible than violence against other minorities.

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Hate crime laws do not provide extra privileges to any groups. Rather, such measures afford an extra measure of protection to groups that are singled out for victimization because of their status, identity, or beliefs. Moreover, such laws apply equally to members of minority and majority groups.

MAKING THE CONNECTIONS: AGE AND DISABILITY

From *NewMobility* magazine, 1994.

The intent of bias crime laws, or hate crime laws, is to send a message that acts of violence against minority group members will not be tolerated. In this society, older persons and those with disabilities are not considered equal, deserving, contributing members. This creates an atmosphere which says that it is okay to attack them because they aren't worth anything anyway.

The contention that vulnerability is the primary explanation for disability and age related violence is too superficial. Rather, hatred is often the primary cause, and vulnerability only provides an opportunity for offenders to express their hatred.

Laws created for dependent adults are created as if criminal incidents are random. It is clear that the penalties would be more severe had crimes against dependent adults been understood as bias-motivated. Since dependent adult laws were not conceived to respond to the social pattern of oppression and hatred of disabled people, their societal influence as deterrents to hate crimes cannot equal the impact of hate crime laws.

Why should violent crimes against disabled people be treated as hate-motivated crimes? Bias crimes merit special attention because of their effect on an entire group of people. The entire class of persons represented by the individual recipient of the violence is likely to feel victimized.

No one should have to fear for their lives, whether they are black, white, Catholic, Jewish, gay, disabled, older, or anything else. Hate crime laws send this message: We will not tolerate Hate!

STORIES OF HATE

- A developmentally disabled young man was killed by teenagers. He had been beaten and robbed, and his talk about being gay fueled his tormentors' anger, who called him "fag" and threatened his life on several occasions.
- A multiply disabled man was murdered and stuffed into the trash can of a Southern California library.
- A 17 year old gay man was approached by a group of men who asked him if he was gay. When the victim answered affirmatively, the perpetrators assaulted him.
- A heterosexual woman reported ongoing harassment by telephone due to a pro-gay/lesbian resolution which she authored.
- In North Carolina, neo-nazis forced five men in an adult bookstore to lie face down on the floor and then shot them in the back of the head because they were perceived to be gay.

MUCH OF THE INFORMATION in this fact sheet was provided by the National Gay and Lesbian Task Force Policy Institute, the Colorado Anti-Violence Project, and the Federal Bureau of Investigations.

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ACTIVIST NEWS

A PUBLICATION OF EQUALITY COLORADO

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EQUALITY COLORADO

April 1996

Hate Crimes Bill Goes to Senate Floor

COLORADO STATE LEGISLATURE

Senate Bill 191, sponsored by Senator Dorothy Rupert, passed the Senate Appropriations Committee on April 9 by a 6-3 vote. This is a major victory for us, since a similar bill died last year in the House of Representatives Finance Committee. It has now become crucial that **everybody contact their senators** and urge them to help pass SB 191. The bill would add sexual orientation, age, and disability to the current Ethnic Intimidation Law and change the name of the charge to a hate crime. Such laws enhance the penalty for bias-motivated crimes and send a message that violence in the name of hate is absolutely unacceptable.

If you need more information, please contact the Equality office.

ACTION:

- **Call** your senator. The general phone number for the Republicans is (303) 866-4866 and for Democrats it's (303) 866-4865. Urge him or her to take a stand against hate-motivated crime.
- **Fax** your senator at the Colorado Senate, Democrats: 866-4543, Republicans: 866-2012. Explain how hate crimes are a way to target and instill fear in an entire community.

BATTLEMENT MESA, Western Slope

A sixteen year old boy, Jacob Romero, was beaten up by three teens who were yelling anti-gay epithets outside his home on March 27th. The Garfield County Sheriff's Department report quoted a witness as saying the teens called Romero a "pussy", "fag" and other profanities in Spanish. The other boys are claiming they didn't know Jacob is gay. Jacob's mother wants this tried as a Hate Crime, but unfortunately, SB 191 adding sexual orientation to the existing statute has not been passed yet. This is an example of why we need to amend the existing Ethnic Intimidation Law to include sexual orientation.

NATIONAL HATE CRIMES STATISTICS ACT

The Hate Crimes Statistics Act of 1990 expired at the end of 1995 and needs to be reauthorized this year. The Act calls for the Department of Justice to collect data on hate crimes that show evidence of prejudice based on race, religion, ethnicity or sexual orientation. Hate crimes, including murder, against individuals solely because of their sexual orientation have unfortunately increased over the past several years, especially in areas with anti-gay and lesbian ballot initiatives. It is important that the FBI continue to collect these statistics so law enforcement and policy-makers will be better able to understand, and combat, these crimes.

ACTION:

- **Call** Senator Hank Brown (202) 224-5941 or (303) 844-2600 or email: senator_brown@brown.senate.gov **and** Senator Ben Nighthorse Campbell (202) 224-5852 or (303) 866-1900 or fax: (303) 866-1919. Ask them to support this important piece of legislation and to work towards its passage.

HIV+ Servicemembers

The legislative effort to repeal Rep. Dornan's provision discharging HIV-positive service members is in full swing. The Senate bill passed unanimously on a voice vote. The House bill (H.R. 2959) now has well over 125 cosponsors and the Senate has 55 cosponsors. Earvin "Magic" Johnson, Gen. Shalikashvili, Secretary of Defense Perry, the Air Force Assn, the president and many others have joined in the effort to repeal this discriminatory measure. In Colorado, Reps. Schroeder and Skaggs have signed on, but the Republican contingent of McInnis, Allard, Hefley, and Schaeffer have not. Keep up the heat.

ACTION: Especially for those outside the first two House districts, call, fax and e-mail your Congressperson, and urge him or her to co-sponsor the repeal. For addresses and numbers, call Equality Colorado at (303) 839-5540.

English Only

S 356, the "Official English Bill" sponsored by Sen. Richard Shelby (R-Alabama) seeks to make English the "official language" of the U.S. Government. Hearings were held on March 11th in the Senate Governmental Affairs Committee. The negative impacts of the law are severe. If passed, it would disenfranchise non-English speakers by prohibiting the availability of bilingual ballots; deprive language-minority litigants of due process by denying them the rights to have court interpreters; and prohibit the availability of emergency services in languages other than English. In addition, the bill does nothing to further the learning of English and instead promotes discrimination against those who do not speak English well enough to conduct day-to-day business in English.

ACTION: To register opposition write the Chairman of the Committee, the Honorable Ted Stevens, Chairman, Senate Governmental Affairs Committee, 340 Senate Dirksen Office Building, Washington, DC 20510.

GLImmR

A new organization has formed in Colorado focusing on media issues: the Gay and Lesbian Immediate Response group. In order to help track media representation of GLBT people and issues, GLImmR needs volunteers across the state. To help or for more information call Stephanie at (303) 331-2825.

IF you are interested in getting the Action Alert via e-mail, let us know. Just call us (or e-mail us) and we'll put you on the list! It's easy, it's fast, it's CHEAP!

UPDATE

Banning Same-sex Marriage

Governor Romer came to the rescue by vetoing HB 1291 in March. Colorado isn't the only state winning (for now) the backlash against same-sex marriage rights. Of the 31 states to see similar legislation, we have 12 victories and only four bills adopted (UT, ID, GA, SD). Fifteen states still have pending bills as of April 4.

ACTION: If you know people in AL, AK, AZ, CA, DE, FL, HI, IL, KS, MI, MO, OK, SC, TN, or WI, contact them and urge them to become involved in this crucial struggle.

Upcoming Events

▼ *from the colorado marriage rights project*

TOWN MEETING

Tuesday, April 30

First Unitarian Church, 1400 Lafayette St, Denver

Thefirst Town Meeting in March was a success; now we need dozens more committed activists to do the proactive work to ensure that we're ready for the next wave of the backlash. All are welcome and encouraged to attend.

▼ *from voices of faith!*

"CLAIMING THE SPIRIT" CONFERENCE

July 18th-20th, 1996 (Save the Date!)

Macedonia Baptist Church, Denver

Featured speakers include Rev. Dr. James Forbes, Rev. Dr. Carter Heyward, Rev. Dr. Beverly Harrison, and Dee Mosbacher, producer of "All God's Children". The conference will address equal rights; lesbian, bisexual, gay and transgendered persons; and religion. For more information on early bird registration, please call (303) 839-5540.

▼ *from equality's board!*

Equality Colorado is seeking nominations for new board members. Equality's board primary tasks are fundraising, policy decisions and financial oversight of the organization. Interested individuals should call the office.

Amendment 2 Reminder

Don't forget to join Equality Colorado, CLIP, and all your favorite activists and citizens on **decision day** at the west steps of the State Capitol in Denver at 6:00 p.m. We are counting on you to pass the news along to one another and bring your friends to the Capitol or to your local rally whenever that day comes.

There will be events in other parts of the state as well, including: Boulder, Colorado Springs, Pueblo, Ft. Collins, Durango, Greeley, and Grand Junction. For more information on when and where these events will take place, call Equality Colorado at (303) 839-5540.